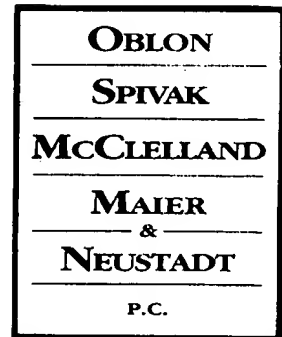


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Refund  
02-20-03



October 23, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE  
Box 16  
Washington, DC 20231

ATTORNEYS AT LAW

KATHLEEN A. MORSBERGER  
CONTROLLER  
(703) 412-6494  
KMORSBERGER@OBLON.COM

Attn: Frank Lebron  
Refund Department

Re: Deposit Account #150030

Dear Mr. Lebron:

On March 25, 2002, a Petition for Granting of Filing Date was filed in **Serial Number 09/982,831**. On May 20, 2002, a Decision Granting Petition was mailed from the Office of Petitions. In that decision it was stated on page 2 that **"No petition fee is necessary and none has been charged."**

**Since the petition fee of \$130.00 was paid by check** when the Petition for Granting of Filing Date was filed, it is respectfully requested that the \$130.00 fee be refunded on our deposit account.

Please investigate this application and **kindly refund \$130.00 to Deposit Account #150030**. Copies of the appropriate paperwork are attached. If you have questions, please do not hesitate to contact me. My phone number is 703-412-6296.

Sincerely,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Debra J. Noel  
Accounting Department

Enclosures

215144US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

:

Yoshinori HAYASHI, et al.

: EXAMINER: N/A

SERIAL NO: 09/982,831

: GROUP ART UNIT: N/A

FILED: October 22, 2001

:

TITLE: OPTICAL SCANNING DEVICE, IMAGING APPARATUS, AND IMAGING  
METHOD

PETITION FOR GRANTING OF FILING DATE AND RESPONSE TO THE  
NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In Response to the Notice of Incomplete Nonprovisional Application dated January 23, 2002, Applicants hereby request that the filing date of October 22, 2001 be accorded to the present application based upon the following discussion.

On October 22, 2001, Applicants deposited in the U.S. Patent and Trademark Office, the above-identified application which included a copy of the 48 pages of the Specification and 33 Claims. A copy of the utility application transmittal form, along with a copy of the entire Specification as filed with all the claims, and a copy of the date-stamped filing receipt are enclosed evidencing the aforementioned filing.

Enclosed herewith please find the necessary petition fee for according the proper filing date. Applicant submits, however, that no fee is due since the error is on the side of the U.S. Patent and Trademark Office. Accordingly, it is respectfully requested that a refund be issued to our Deposit No. 15-0030.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov  
OW 05-02

Paper No. 8

*Vfz*  
OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC  
FOURTH FLOOR  
1755 JEFFERSON DAVIS HIGHWAY  
ARLINGTON VA 22202

RECEIVED  
MAY 22 2002

OBLON, SPIVAK, MCCLELLAND,  
MAIER & NEUSTADT, P.C.

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MAY 20 2002

OFFICE OF PETITIONS

In re Application of  
Hayashi et al.  
Application No. 09/982,831  
Filed: 22 October, 2001  
Atty Docket No. 215144US2

:  
:  
: DECISION GRANTING PETITION  
:  
:

This is a decision on the petition filed on 25 March, 2002, requesting that the above-identified application be accorded a filing date of 22 October, 2001, with 48 pages of specification as a part of the original disclosure.

On 22 October, 2001, the application was filed.

On 23 January, 2002, Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the specification was missing and that the filing date of the application would be the date of receipt thereof.

In response, on 25 March, 2002, the present petition was filed, accompanied by 48 pages of specification, the claims and one (1) page of abstract, seven (7) sheets of drawings, and a declaration. Petitioner argues that the 48 pages of specification drawings were filed with the other application papers on 9 October, 2001, and that the drawings were misplaced in the U.S. Patent and Trademark Office (Office). In support of the petition, a copy of petitioner's itemized hand-stamped receipt, which identifies the application by the first-named inventor's name, application title, and attorney docket number, was supplied with the petition. The receipt, which shows an Office-date stamp of 22 October, 2001, acknowledges receipt of, *inter alia*, 48 pp. specification, 33 claims, formal drawings 7 sheets and three (3) pages of a declaration. Petitioner requests that the application, including 48 pages of specification, including claims and seven (7) sheets of drawings, be accorded a filing date of 22 October, 2001.

Upon review of the record, no specification or drawings deposited on 22 October, 2001, have been located among the application papers. However, the evidence is convincing that the application papers deposited on 22 October, 2001, included 48 pages of specification, including 33 claims, and seven (7) sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including 48 pages of specification, including 33 claims, and seven (7) sheets of drawings, was complete on filing and entitled to a filing date of 22 October, 2001.

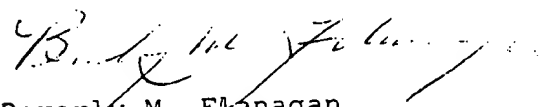
In view of the above, the petition is granted. The 48 pages of specification and claims and seven (7) sheets of drawings submitted with the petition will be used for processing and examination purposes. No petition fee is necessary and none has been charged.

In regards to the additional claim fee(s) required in the Notice mailed on 23 January, 2002, it appears that the additional claim fee(s) were inadvertently calculated based on the copies of claims from the pending related cases submitted with the Information Disclosure Statement filed on 2 January, 2002.

The "Notice" mailed on 23 January, 2002, is vacated to the extent that it stated that the application was incomplete and that the specification was missing.

The application is being returned to Initial Patent Examination Division for processing with a filing date of 22 October, 2001, using the application papers filed on that date, and the 48 pages of specification, including 33 claims and seven (7) sheets of drawings supplied on 25 March, 2002, and for an indication on the bib-data sheet that 33 claims were present on filing.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy